

PLANNING BOARD**MEETING MINUTES****MAY 25, 2006****MEMBERS PRESENT**

Peg Birney
Thomas J. Knips, Chairman
Robert LaColla
Sheila Lahey
Robert J. Rahemba

MEMBERS ABSENT

Brian Callahan
Tom Chang
David Stenger
Joel Sasser

OTHER PRESENT

John V. Andrews, Jr., P.E., Town Engineer
John A. Morabito, Senior Planner, Town Planning Consultant
Scott L. Volkman, Esq., Town Planning Board Attorney
Jay Levine
Glennon J. Watson, L.S.
Michael Gillespie, P.E.
Dr. Hansraj
Joseph Modafferi, R.L.A.
Jay Murnick
Richard Rang
Nancy Forrest
Debbie McNamee
James Ninnie
Eugene D. Ninnie, P.E.
Robert Spiak
Paul Trefz
Paul Lopezzo
Glennon J. Watson, L.S.

The meeting was called to order at 7:02 p.m. by Thomas J. Knips, Chairman.

MAY 11, 2006 PLANNING BOARD MEETING MINUTES

Mr. Knips stated the Chair will entertain a motion to adopt the May 11, 2006 Planning Board Meeting Minutes as amended. So moved by Mr. LaColla. Seconded by Mr. Rahemba. Motion carried.

NEW SUBMITTAL
34 SUNNYSIDE ROAD - SUBDIVISION

Mr. Levine stated he is the representative for Scenic Hudson, the applicant and owner of this property. Mr. Levine stated that Scenic Hudson is seeking approval to subdivide a parcel totaling 846.7 acres into two (2) lots.

FINAL

NEW SUBMITTAL
34 SUNNYSIDE ROAD - SUBDIVISION
(CONTINUED)

Mr. Levine stated that Lot 1 will consist of 4.1 acres, contains existing residence and shall be sold or demolished and Lot 2 will consist of 842.6 acres. Mr. Levine stated that the parcel for this proposal is located at 34 Sunnyside Road in the R-4A and R-40 Zoning Districts.

Mr. Levine stated the existing house has been abandoned due to septic system failure, so the house will either be sold or the house will be sold and then demolished. Mr. Levine stated it was discovered that someone was actually utilizing the house by the Town of Fishkill Police Department but no one is occupying the house now. Mr. Levine requested that the footprint, if a new house is constructed, actually be limited to the existing square footage of the existing house. Mr. Volkman stated the Applicant can certainly put his request on record but it wouldn't be part of the actual Planning Board Approval process. Mr. Morabito asked if the cottage was livable; Mr. Levine stated there has been damage due to pipes bursting. Mr. Morabito stated he questions as to whether the cottage is something that would even be able to be sold as habitable. Mr. Levine stated they could clean up the house but someone with more experience will be able to do it better. Mr. Levine stated although the house itself is not livable the property itself could support a new residence. Mrs. Birney asked what the current access to the site is. Mr. Levine stated that the driveway starts off the end of Sunnyside Road.

Mr. Levine stated Scenic Hudson has a trail head and a parking area. Mr. Levine stated that the first approximately 50' would be shared before the driveway to the trail and parking area occurs and a right-of-way easement would be attached to the small section.

Mr. LaColla stated trying to restrict the size of the house when it is a four acre site would be kind of tough. Mr. Levine stated from Scenic Hudson's standpoint they are not in this to make money and would accept a smaller price to make the lot more environmentally pleasing.

Mr. Andrews asked what the frontage is on the Town road. Mr. Levine stated it is around 50' but he does not have the exact figure. Mr. Andrews stated he believes some of the Scenic Hudson properties have access on other Town roads. Mr. Andrews stated this will have to be reviewed to see if they can accommodate a driveway.

Mr. Knips asked if a completed application, EAF, application fees, and escrow deposit have been received; Ms. Davis stated yes.

Mr. LaColla made a motion that the Board accept the application and refer application to the Town Engineer, Town Municipal Development Director, Town Planning Consultant, Town Planning Board Attorney, Town Building Department, Town Highway Superintendent, Town Environmental Advisory Board, Dutchess County Department of Health and the Glenham Fire District for their review and comments. Seconded by Mr. Rahemba. Motion carried.

REQUEST FOR READOPTION
LILAC CORPORATION SUBDIVISION

Mr. Watson stated he failed to request the second (90) day extension before its actual expiration date and was advised that he needed to request a Readoption of the Resolution of Preliminary Approval from the Board.

Mr. Watson stated the DCDPW has issued a permit and is holding it pending receipt of an insurance certificate from the people who are going to actually construct the road. Mr. Watson stated they are still awaiting the NYSPEDS permit and the DCDOH approvals.

Mr. Andrews stated Mr. Watson has submitted an EAF which identifies there are no changes from the original approval issued by the Board. Mr. Andrews stated NYSOPRHP has changed its policies and procedures since the Baxtertown Heights Subdivision was approved so the Applicant is working with them to satisfy their concerns.

Mrs. Birney made a motion that a Readoption of the Resolution of Preliminary Approval be drafted for review at the June 8, 2006 Planning Board meeting. Seconded by Mr. LaColla. Motion carried.

NEW SUBMITTAL
LANDWORKS, LLC - SITE DEVELOPMENT PLAN

Mr. Gillespie stated that the applicant, Dr. Hansraj, is requesting a Site Development Plan Approval to construct a 39,000 S.F. professional use building with associated site improvements. Mr. Gillespie stated that the parcel for this proposal is located at 147 Albany Post Road, in the GB (General Business) Zoning District and consists of 3.551 ± acres.

Mr. Gillespie stated there is a significant grade elevation difference between this site and Route 9. Mr. Gillespie presented an architectural rendering of the proposed building. Mrs. Birney asked if the rendering was of the front elevation; Mr. Gillespie stated yes.

Mr. LaColla stated he has had contact with Dr. Hansraj to try and put together some coalition to attempt to get water up Route 9.

Mr. Knips asked if a completed application, EAF, application fees and escrow deposit have been received; Ms. Davis stated yes.

Mr. LaColla made a motion that the Board accept the application and refer application to the Town Engineer, Town Municipal Development Director, Town Planning Board Attorney, Town Planning Consultant, Town Building Department, Town Environmental Advisory Board, Dutchess County Department of Planning and Development, Town Highway Superintendent, New York State Department of Transportation, Town of Wappinger Planning Board and the Rombout Fire District for their review and comments. Seconded by Mrs. Lahey. Motion carried.

REVIEW
CREST AT FISHKILL - SITE DEVELOPMENT PLAN

Mr. Murnick stated they are here this evening for to obtain approval from the Board for the color palettes and will not be discussing the trailer placement until the next Planning Board meeting.

Mr. Murnick presented the actual samples of the materials to be utilized on the exterior of the buildings and also presented renderings illustrating the three (3) different color combinations that they are proposing to utilize. Mrs. Birney asked what color the garage doors will be. Mr. Murnick stated the garage doors and the front doors of the units will be white and the trim will be white.

Mrs. Birney stated she liked the neutral colors but is just wondering what the white garage doors are going to look like. Mr. Murnick stated you will only see the garage doors on one side of the street. Mrs. Birney asked if the trim on the windows is white; Mr. Murnick stated yes. Mrs. Birney stated she is okay with the white doors as they are not the only items on the units that are white.

Mr. Andrews stated when the Board went through the review process the Applicant had some potential colors so they were informed that they had to come back before the Board with their final choices of colors.

Mr. LaColla made a motion that EM1, EM2 and EM3 color combinations and the white trim as presented this evening be accepted by the Board. Seconded by Mrs. Lahey. Motion carried.

Mr. Murnick stated they also would like to discuss a change in the curbing to Belgian Block on the private roads within the development. Mr. Modafferi presented to the Board the details on the mountable Belgian Block detail and the Upright Belgian Block detail. Mr. Modafferi stated the boulevard is proposed to be two (2) stone upright blocks and transition to the mountable curb.

Mr. Andrews there was a substantial meeting at the Town Hall between the developer, The Building Department and the Glenham Fire Department and the primary concern was the access for the fire department.

It was the consensus of the Board that the Belgian Block was acceptable on the private roads throughout the site.

REQUEST FOR EXTENSION
LANDS OF WICK, SOVIK & HYATT - SUBDIVISION & RESUBDIVISION

Mr. Andrews suggested that the Board may grant the second ninety (90) day extension.

Mr. LaColla made a motion that the Board grant the second and final ninety (90) day extension of the Resolution of Final Approval. Seconded by Mr. Rahemba. Motion carried.

FINAL

REVIEW
VAN WYCK MEWS - SUBDIVISION & SITE DEVELOPMENT PLAN

Mr. Andrews reviewed the Negative Declaration as prepared. Mr. Andrews stated this Negative Declaration addresses the impacts related to the subdivision which creates the Van Wyck Mews project and the property to be dedicated to the Wappingers School District and the site development which involves the residential and commercial uses.

Mr. Andrews indicated that on page 2 the blank for the Local Law Number and date of adoption by the Town Board will be filled in after he obtains the information for the Town Clerk's office.

Mr. LaColla made a motion that the Board adopt the Negative Declaration as amended during the course of discussion this evening. Seconded by Mrs. Lahey. Motion carried.

REVIEW
STADIUM PLAZA - SITE DEVELOPMENT PLAN

Mr. Knips stated that he is recusing himself from this discussion, appointed Mrs. Lahey, Acting Chair and left the meeting room.

Mrs. Forrest stated she is a representative of Gloede Signs, who have been awarded the signage job for the Stadium Plaza. Mrs. Forrest submitted actual samples and an elevation drawing and stated that the samples are the actual colors and all signs will be the same throughout the plaza.

Mrs. Forrest stated the signs are not internally illuminated and they ran into no problems with any of the corporate logos for example Carvel or Verizon which is not to say it will always work this way, but their signs are going to be the same.

Mrs. Forrest stated they like doing centers like this because when they signs are all one type of background they are easier to read. Mrs. Birney asked if these signs will adhere to the rest of the sign ordinance like the limit of five words per sign. Mrs. Forrest stated she was not aware of the five word limit but will look into it.

Mr. LaColla asked Mr. Colsey if he would consider this to be a Master Plan for signage. Mr. Colsey asked that the Board consider this to be an example of a Master Plan for future submittals.

Mr. Andrews suggested that the Board prepare a Resolution of Approval and specifically address the details of color, shape, etc.

Mrs. Birney made a motion that Mr. Colsey draft a Resolution which shall adopt the materials, shapes and colors to be reviewed at the next June 8, 2006 Planning Board meeting. Seconded by Mr. Rahemba. Mr. Knips abstained. Motion carried.

Mrs. Forrest stated she has a tenant that is going to lease five (5) spaces and would like to have the Board's advice as to how to handle the signage. Mrs. Birney asked that a visual be brought to the Board; Mrs. Forrest stated the tenant does understand that he is only allowed one (1) sign and this is for her future reference.

FINAL

REVIEW
JCN PROPERTIES, LLC - AMENDED SITE DEVELOPMENT PLAN

Mr. LaColla stated he discussed with Mr. Volkman that he has solicited a proposal from Mr. Ninnie for some work on a water main going up Route 9 and he is disclosing this for informational purposes.

Mr. Colsey stated Mrs. Birney asked Mr. Morabito to provide a memorandum indicating that he had performed a site visit. Mr. Morabito apologized and stated he did visit the site this evening and provided the Board with a photo on his digital camera of the alleged storage area. Mr. Morabito stated with all due respect to Ms. McNamee there is a toilet bowl in the space which is indicated as storage and if there is no heat it will freeze. Mr. Ninnie stated that the toilet bowl is not connected nor is there water running to it.

Mr. Morabito stated the only issue he has is whether the storage area is a storage area or an office space. Mr. Ninnie stated it is a finished storage area as they didn't want to leave it unfinished. Ms. McNamee stated the carpeting was left there and they simply utilized it; it is a storage area.

Mr. Andrews stated the representation of Mr. Ninnie and Ms. McNamee is that the former garage is a storage space and if they decide to do anything other than storage that they will have to come back before the Board if they want to use it for something else as it will require this Board's approval. It was the consensus of the Board that this be added as a condition on the Resolution of Approval. Mr. Colsey suggested that "unheated" storage be indicated in the condition as well as on the Resolution of Approval. Mr. Ninnie and Ms. McNamee agreed to this amendment to the Resolution of Approval.

Mr. Colsey reviewed the Resolution of Preliminary and Final Approval.

Mrs. Birney asked if a Negative Declaration is required for this. Mr. Morabito stated he didn't feel this required a separate Negative Declaration. Mr. Andrews indicated that this can be a Type II Action a commercial action under 4,000 SF which falls under a Type II Action and that there were no changes to the adjacent site and falls within the criteria which does not require a coordinated review.

Mr. LaColla made a motion that the Board waive the final public hearing. Seconded by Mr. Rahemba. Motion carried.

Mrs. Birney requested that the pictures of the site taken by Mr. Morabito be added to the record.

Mr. Ninnie and Ms. McNamee agreed with the modifications to the Resolution as discussed this evening.

Mr. LaColla made a motion that the Board adopt the Resolution of Approval as amended during the course of discussion this evening and that the Chairman sign it when it is ready. Seconded by Mrs. Lahey. Motion carried.

FINAL

REVIEW
MCDONALD'S RESTAURANT - AMENDED SITE DEVELOPMENT PLAN

Mr. Spiak stated the existing light beam as illustrated on the drawings is a dual lamp fluorescent tube with two fixtures. Mr. Spiak stated the light will not shine through the top or sides of the fixture.

Mr. Lopezzo stated these light beams on the roof are very dim and are available through possibly the end of this year. Mr. Spiak stated they are reducing the light by 2/3, the existing lumens are 25,000 and the proposed are 7,600 lumens.

Mrs. Birney stated she would really like to see a picture of what they are proposing on a building at night. Mr. Lopezzo stated they have spent several days trying to research this and the operator of the restaurant they found with the roof beams chose not to maintain them and is not going to replace bulbs. Mr. Lopezzo stated they have spent way too much time on this and cannot come up with that perfect picture showing the lit room beams.

Mrs. Birney stated she will compromise - she agrees to the roof beams but wants to see them lit before she agrees to the illumination. Mr. Trefz stated if you look at the existing lit beams and what they are now proposing, they are not going to be as bright. Mr. Trefz stated the lights on the Home Depot parking lot are going to be a lot lighter. Mr. Spiak stated in the Resolution it is a condition that the Board can require them to adjust the lighting.

Mr. Andrews stated they are proposing beige tubes and the lights will be down and not up. Mr. Lopezzo stated that is right and the light gets reflected down on the roof panel. Mrs. Birney stated spilling on to a green roof; Mr. Andrews stated yes. Mr. Andrews stated based on the discussion that took place at the last meeting this is along the lines of what the Board is looking for but defers to the Board.

Mr. Rahemba stated maybe a compromise to see what this might look like is that one side of the roof on the building the applicant found be shown as lit instead of the whole roof. Mr. Trefz stated they are getting very restricted by time and he has been in this area for 25 years and is doing his best to make this project look right and this is getting to be kind of crazy as he is trying to keep this looking like the whole plaza. Mr. Lopezzo stated they can't invest the money to have half of another operator's roof lit and doesn't know that the operator will even agree to light half of the roof.

Mrs. Birney stated it has never been appreciated by this Board that an Applicant be asked for something and then they keep coming back with the same thing. Mr. Trefz stated he didn't mean to be disrespectful. Mr. Lopezzo stated this is not what McDonald's looks like; we have made changes like a green roof he can't find any, and this does not look like a McDonald's. Mrs. Birney stated Mr. Rahemba offered a compromise, and she is opposed to the lit roof beams based on the Greenway Compact and Dutchess County Planning's comments and she is willing to approve it unlit and come back for a separate approval for the illumination. Mrs. Birney stated lit roof beams do not reflect the architectural features in that neighborhood in her opinion.

Mr. LaColla asked Mr. Morabito's opinion on the lit roof beams. Mr. Morabito stated he recently had another meeting with a potential applicant and suggested that this Board would not be inclined to approve it as it was proposed.

REVIEW
MCDONALD'S RESTAURANT - AMENDED SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Morabito stated he personally thinks that these national chains sell the public short. Mr. Morabito stated he personally could find a McDonald's without lit roof beams. Mr. LaColla asked by law what the Board's range here. Mr. Morabito stated he will have to check the sign ordinance.

Mr. Andrews stated that the Applicant came in originally with upward lighting; they took off the signage and have now come back with a reduction in the lit roof beams. Mr. Andrews stated Mrs. Birney with all due respect, if a building like this doesn't exist how this can be accomplished. Mr. Andrews suggested if the exact combination doesn't exist he doesn't know what the Applicant can do to obtain a picture. Mr. Andrews stated the Applicant has compromised and no matter how you cut it, the only way you are going to know what it looks like is when it is built. Mr. Andrews stated the Board reserves the right if they desire after a trial period to revisit the roof lighting. Mr. Andrews stated as far as he is concerned they have come as equally far as some other applicants have in terms of changing materials. Mr. Andrews stated he is not taking sides here.

Mr. Knips stated we focused on lighting the roof beams for so long he has forgotten the changes on the rest of the building. Mr. Knips asked if all the masonry on the outside of the building is going to be desert sand and the roof will be green. Mr. Lopezzo stated that is correct.

Mr. Knips stated the proposed roof beam color is Desert Castle which is the same color as the siding. Mrs. Lahey asked how many roof beams there are; Mr. Lopezzo stated approximately 20.

Mr. Knips stated without being able to see what they look like ahead of time what opportunities exist to reduce the lighting. Mr. LaColla stated you will need to change the ballasts which is costly.

Mrs. Birney asked if the Board does not like Mr. Rahemba suggestion to put bulbs in one side of the Connecticut building. Mr. Spiak stated he doesn't have control over that operator. Mr. Rahemba stated he has no problem with what they are proposing so he believes that a good compromise has been made. Mr. Rahemba stated the Board has asked for something unique and if they do what is being proposed it will diminish the amount of lighting on the roof.

Mr. Knips stated the other option that may exist is a grating detail that could diminish light output if need be possibly inside the channel without the expense of ballasting the bulbs. Mr. Lopezzo stated the rain will heat the exposed area and will take care of that.

Mr. Colsey reviewed the Resolution of Preliminary and Final Approval.

Mr. LaColla made a motion to waive the final public hearing. Seconded by Mrs. Birney. Motion carried.

Mr. Colsey asked if the Applicant or representative took any objection as to the roof beam lighting being part of site lighting. Mr. Lopezzo and Mr. Trefz stated they had no objection.

FINAL

REVIEW
MCDONALD'S RESTAURANT - AMENDED SITE DEVELOPMENT PLAN
(CONTINUED)

Mrs. Birney asked Mr. LaColla and Mr. Rahemba if they understand that the green roof is going to have two huge white signs. Mr. Rahemba stated we kind of boxed ourselves into this.

Mr. LaColla made a motion that the Board adopt the Resolution of Approval as amended during the course of discussion this evening and that the Chairman sign it when it is ready. Seconded by Mr. Rahemba. Mr. Knips - Aye, Mrs. Lahey - Nay, Mrs. Birney - Nay. The motion was not carried.

REVIEW
OASIS MINISTRIES - AMENDED SITE DEVELOPMENT PLAN & SPECIAL USE PERMIT

Mr. Colsey reviewed the Resolution of Approval.

Mr. LaColla asked if the detention area is going to be built first as a site visit was done and it does seem to go toward Mr. McEwing's property. Mr. Andrews stated the detention area has to be completed first.

Mrs. Birney stated it looks like the site has been cleared and that's all. Mr. Knips stated the site is not pretty looking at this point or in nice shape and asked if there any requirements in the clearing and grading permit. Mr. Andrews stated the Building Department does issue the permit which does have certain requirements and he will review this with the Deputy Building Inspector tomorrow. It was the consensus of the Board that Mr. Andrews review the Clearing & Grading Permit with the Deputy Building Inspector as to the requirements.

Mr. Andrews stated the Clearing and Grading Permit indicates that it is valid for one (1) year and in fact it was adopted in January of 2004 so it actually has expired so Mr. Watson will need to bring this to his client's attention.

Mrs. Birney asked Mr. Volkman if the Board can ask that the Applicant provide proof of financing for this construction or possibly require some kind of bond for this.

Mr. Volkman stated it is unusual to receive proof of a financial commitment and doesn't think the code provides for it and if the Board asks one applicant and not the other it is not fair. Mr. Volkman stated the Board doesn't require bonds unless it is for public improvements.

Mr. Andrews suggested that the Board can require that the Building Department to advise the applicant that his Clearing & Grading Permit is expired and possibly a violation notice that says they have 30 days to bring the site back into a presentable fashion. So moved Mr. LaColla. Seconded by Mrs. Birney. Motion carried.

Mr. LaColla made a motion that the Board adopt the Resolution of Approval as amended during the course of discussion this evening. Seconded by Mrs. Lahey. Motion carried.

SIGNAGE
PIZZA HUT AT THE HUDSON VALLEY TOWNE CENTER

Mr. Beichert stated ADF has hired him to clean up their signage on various sites and to clean up their buildings, ADF now owns several Pizza Hut franchises. Mr. Beichert stated he has several issues here the first one is that they want to clean up the building, they want to remove the awning. Mr. Beichert stated ADF would like to put two small internally illuminated wall signs and he now realizes that internally lit is not allowed. Mr. Beichert stated Pizza Hut would like to take out the big letter sign and awnings and add two (2) new small signs.

Mr. Knips stated according to the new code the Board cannot consider internally illuminated signs. Mrs. Birney stated the Board also must have a Master Plan for the Town Centre before they can approve anything.

Mr. Beichert asked if this Board would consider these signs if in fact they put gooseneck lamps on them and they were externally illuminated and not internally illuminated. The Board indicated they would need to see pictures of the proposal.

Mr. Colsey stated there are two other applicants with signage in this center so any discussions this evening will affect them as well.

Mrs. Birney stated the planning standard now is a dark color background with lighter color lettering as it is more visible.

Mr. Beichert stated without two signs this store would not be well served by doing anything and he would just simply withdraw the application. Mr. Beichert stated this is one of most restrictive sign codes that he has seen, and stated he is a planner for another county. Mrs. Birney stated that is not true, it is being adopted throughout the Hudson Valley and was taken from already existing sign ordinances.

Mr. Knips stated under code they are allowed one 40 SF sign and on page 10 under O it states, "Relief. An Applicant may seek relief from the size standards of this chapter by applying for a waiver from the Planning Board. Such relief shall be considered by the Planning Board only where the applicant sufficiently documents the reasons for requiring relief from the signage standards. In considering the grant of such waiver requests, the Planning Board shall consider such factors as the degree of the proposed sign visibility from a major frontage road as well as the internal parking area of a development the distance between the sign and the major roadway providing access to a development; and the size and a scale of a building containing the proposed sign. Such relief shall be granted for a maximum of up to 25 percent (25%) of the size standards."

Mr. Rahemba stated Mr. Colsey should be reviewing all sign permits in accordance with the sign ordinance and if he believes it doesn't work with the sign ordinance rather than the Board trying to make these things work it should not be put on an agenda. Mr. Colsey stated he did not bring this to the Board; Mr. Rahemba stated he understands that. Mr. Colsey stated he appreciates exactly what the Board is saying. The Board agreed with Mr. Rahemba's suggestion that Mr. Colsey review the permits for signs with the sign ordinance and that any permits that don't meet the ordinance not be scheduled on an agenda for review.

SIGNAGE
PIZZA HUT AT THE HUDSON VALLEY TOWNE CENTER
(CONTINUED)

Mr. Beichert stated he will discuss with his client as to how he wants to proceed with the Pizza Hut. Mr. Beichert asked the Board if he could be put on the June 8, 2006 agenda for a sign permit for the Hess Mart. Mr. Knips advised Mr. Beichert to submit the necessary permit to the Building Department and it will be scheduled for review on the June 8, 2006 Planning Board agenda.

Mr. Knips stated the Chair will entertain a motion that the Board go into Executive Session at 10:45 p.m. So moved by Mr. LaColla. Seconded by Mr. Rahemba. Motion carried.

Mr. Knips stated the Chair will entertain a motion to reopen the meeting. So moved by Mr. LaColla. Seconded by Mr. Rahemba. Motion carried.

REVIEW
ZBA REFERRAL - APPLICATION NO.: ZB06-007 - 256 OLD CASTLE POINT ROAD

It was the consensus of the Board that the applicant should investigate the possibility of removing the lot line.

Mr. LaColla made a motion to close the meeting at 11:30 p.m. Seconded by Mr. Rahemba. Motion carried.

Respectfully submitted,
Debbie Davis
Planning Board Secretary

Attachments to the original minutes

FINAL